

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 4

**DOCKET NO.:** 2007-1957-AIR-E **TCEQ ID:** RN102048592, RN100824010, RN102396702, RN102390028, RN102395274, RN102394756, RN102398112, RN102399094, RN102393980, RN102391331, RN102204195,RN102383965, and RN105204283 **CASE NO.:** 35055**RESPONDENT NAME:** Southwest Convenience Stores, LLC

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 7-Eleven Station 53346, 10900 McCombs Street, 7-Eleven Station 57602, 4858 North Mesa Street, 7-Eleven Station 57604, 10418 Rushing Road, 7-Eleven Station 57616, 3101 North Yarbrough Drive, 7-Eleven Station 57618, 10300 McCombs Street, 7-Eleven Station 57620, 9635 McCombs Street, 7-Eleven Station 57621, 5401 South Gateway Boulevard, 7-Eleven Station 57625, 8701 Alameda Avenue, 7-Eleven Station 57631, 9061 Dyer Street, 7-Eleven Station 57637, 3601 Montana Avenue, 7-Eleven Station 57646, 8160 Gateway Boulevard East, 7-Eleven Station 57649, 850 North Zaragoza Road, and 7-Eleven Station 57652, 5020 Sean Haggerty Drive, El Paso, El Paso County</p> <p><b>TYPE OF OPERATION:</b> Convenience store with retail sales of gasoline</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one pending enforcement actions, Docket Number 2008-0730-PST-E, regarding these facility locations.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 9, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> <b>TCEQ Attorney/SEP Coordinator:</b> None <b>TCEQ Enforcement Coordinator:</b> Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 <b>Respondent:</b> Mr. Ted Moon, District Manager, Southwest Convenience Stores, LLC, 2002 N Piedras Road, El Paso, Texas 79930 Mr. Scott Prall, Director of Fuel &amp; Transportation, Southwest Convenience Store, LLC. 2002 N Piedras Road, El Paso, Texas 79930 <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigations Relating to this Case:</b> October 1, 2007, October 2, 2007, October 4, 2007, October 7, 2007, October 8, 2007, and October 11, 2007</p> <p><b>Date of NOEs Relating to this Case:</b> November 9, 2007, November 13, 2007, November 16, 2007, and November 19, 2007 (NOEs)</p> <p><b>Background Facts:</b> These were routine investigations.</p> <p><b>AIR</b></p> <p>1) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular and mid-grade unleaded gasoline at pump number one of 7-Eleven 53346 was found to be 2.1% and 1.9% oxygen content by weight, respectively. A sample taken of premium grade gasoline from pump number two of 7-Eleven 53346 was found to be 1.5% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number three of 7-Eleven 57602 was found to be 2.1% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically,</p>	<p><b>Total Assessed:</b> \$20,230</p> <p><b>Total Deferred:</b> \$4,046  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$16,184</p> <p>7-Eleven 53346  <b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>7-Eleven 57602  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>7-Eleven 57604  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>7-Eleven 57616  <b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>7-Eleven 57618  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>7-Eleven 57620  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>7-Eleven 57621  <b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that by October 12, 2007, the Respondent has come into compliance at Station numbers 57602, 57604, 57616, 57618, 54625, 57631, 57646, and 57652.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure that gasoline supplied, sold, or dispensed for use as motor vehicle fuel in El Paso County between October 1 and March 31 of each year shall have the minimum oxygen content of 2.7% by weight at Stations 53346, 57620, 57621, 57637, and 57649; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.</p>

<p>samples taken from the mid-grade and premium gasoline at pump number three of 7-Eleven 57604 were found to be 2.2% and 1.4% oxygen content by weight, respectively [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>4) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, samples taken from the regular, mid-grade, and premium gasoline at pump number four of 7-Eleven 57616 were found to be 1.7%, 1.7%, and 1.5% oxygen content by weight, respectively [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>5) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, samples taken from the regular, mid-grade, and premium gasoline at pump number two of 7-Eleven 57618 were found to be 2.2%, 2.1%, and 2.2% oxygen content by weight, respectively [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>6) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium unleaded gasoline at pump number two of 7-Eleven 57620 were found to be 2.0% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>7) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium unleaded gasoline at pump number one of 7-Eleven 57621 was found to be 2.2% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>8) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number three of 7-Eleven 57625 was found to be 2.1% oxygen content by weight [30 TEX. ADMIN. CODE</p>	<p>7-Eleven 57625  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>7-Eleven 57631  <b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>7-Eleven 57637  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>7-Eleven 57646  <b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>7-Eleven 57649  <b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>7-Eleven 57652  <b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>All Facilities:</b>  <b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	
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§ 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium unleaded gasoline at pump number one of 7-Eleven 57631 was found to be 2.2% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium unleaded gasoline at pump number one of 7-Eleven 57637 was found to be 2.2% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium unleaded gasoline at pump number seven of 7-Eleven 57646 was found to be 1.2% oxygen content of weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium unleaded gasoline at pump number nine of 7-Eleven 57649 was found to be 2.1% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium unleaded gasoline at pump number three of 7-Eleven 57652 was found to be 1.8% oxygen content by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Additional ID No(s): EE1142P, EE1156E, EE1157C, EE1167W, EE1169S, EE1171I, EE1172G, EE1174C, EE1178R, EE1182D, and EE1743G





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

<b>DATES</b>	<b>Assigned</b>	19-Nov-2007	<b>Screening</b>	4-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	19-Dec-2007				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Southwest Convenience Stores, LLC		7 Eleven Station 53346
<b>Reg. Ent. Ref. No.</b>	RN102048592		
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	35055	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1957-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$3,000**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **0% Enhancement** **Subtotals 2, 3, & 7** **\$0**

**Notes** No adjustment due to average performer classification.

**Culpability** **No** **0% Enhancement** **Subtotal 4** **\$0**

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **0% Reduction** **Subtotal 5** **\$0**

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria.

**0% Enhancement\*** **Subtotal 6** **\$0**

Total EB Amounts **\$14**  
 Approx. Cost of Compliance **\$600**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$3,000**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** **\$3,000**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$3,000**

**DEFERRAL** **20%** **Reduction** **Adjustment** **-\$600**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$2,400**

Screening Date 4-Dec-2007

Docket No. 2007-1957-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35055

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102048592

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

<b>Screening Date</b> 4-Dec-2007	<b>Docket No.</b> 2007-1957-AIR-E	<b>PCW</b>
<b>Respondent</b> Southwest Convenience Stores, LLC	7 f	<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 35055		<small>PCW Revision November 6, 2007</small>
<b>Reg. Ent. Reference No.</b> RN102048592		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> James Nolan		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 7, 2007. Specifically, a sample taken from the regular and mid-grade unleaded gasoline at pump number one was found to be 2.1% and 1.9% oxygen content by weight, respectively. A sample taken of premium grade gasoline from pump number two was found to be 1.5% oxygen content by weight.	
	<b>Base Penalty</b>	\$10,000

**>> Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>				
		Major	Moderate	Minor	
	Release				
	Actual			x	<b>Percent</b> 10%
	Potential				

**>> Programmatic Matrix**

	<b>Falsification</b>				
		Major	Moderate	Minor	
					<b>Percent</b> 0%

<b>Matrix Notes</b>	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$9,000
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	\$1,000
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**Violation Events**

<b>Number of Violation Events</b>	3	59	<b>Number of violation days</b>
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<small>mark only one with an x</small>	daily			<b>Violation Base Penalty</b>	\$3,000
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			

Three single events are recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<b>Violation Final Penalty Total</b>
\$14	\$3,000
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$3,000	

**Economic Benefit Worksheet**

Respondent Southwest Convenience Stores, LLC

7 Eleven Station 53346

Case ID No. 35055

Reg. Ent. Reference No. RN102048592

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	7-Oct-2007	31-Mar-2008	0.5	\$14	n/a	\$14
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the last day of the control period of oxygenated fuel requirements.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$14

# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43  
 Regulated Entity: RN102048592 7 ELEVEN 53346 Classification: HIGH Site Rating: 0.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 45689  
 REGISTRATION  
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1142P

Location: 10900 MCCOMBS ST, EL PASO, TX, 79934

TCEQ Region: REGION 06 - EL PASO Rating Date: September 01, 07  
 Date Compliance History Prepared: December 11, 2007 Repeat Violator: No

Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: December 04, 2002 to December 04, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: James Nolan Phone: (512) 239-6634

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Southwest Convenience Stores, LLC
4. If Yes, who was/were the prior owner(s)? Good Time Stores, Inc.
5. When did the change(s) in ownership occur? 01/12/2006

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 12/12/2002 (17935)  
 2 03/15/2003 (26709)  
 3 03/28/2003 (28810)  
 4 04/05/2004 (264859)  
 5 07/02/2004 (271037)  
 6 07/15/2004 (281603)  
 7 08/17/2005 (401010)  
 8 11/15/2005 (436977)  
 9 08/28/2007 (572035)  
 10 11/12/2007 (600629)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

N/A

- F. Environmental audits.

N/A

- G. Type of environmental management systems (EMSs).

N/A

- H. Voluntary on-site compliance assessment dates.

N/A

- I. Participation in a voluntary pollution reduction program.

N/A

- J. Early compliance.

N/A

Sites Outside of Texas

N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

<b>DATES</b>	<b>Assigned</b>	19-Nov-2007	<b>Screening</b>	4-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	20-Dec-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Southwest Convenience Stores, LLC		7 Eleven Station 57602
<b>Reg. Ent. Ref. No.</b>	RN100824010		
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35055	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1957-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	2% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$20
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Notes: Penalty enhancement due to one nonsimilar NOV.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>	\$250
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent came into compliance on October 10, 2007.

<b>Subtotal 6</b>	\$0
<b>Total EB Amounts</b>	\$0
<b>Approx. Cost of Compliance</b>	\$600

0% Enhancement\*  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$770
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$770
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$770
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<b>DEFERRAL</b>	20%	Reduction	<b>Adjustment</b>	-\$154
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$616
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Screening Date 4-Dec-2007

Docket No. 2007-1957-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35055

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100824010

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Penalty enhancement due to one nonsimilar NOV.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 2%



<b>Screening Date</b>	4-Dec-2007	<b>Docket No.</b>	2007-1957-AIR-E	<b>PCW</b>
<b>Respondent</b>	Southwest Convenience Stores, LLC		<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b>	35055	<small>PCW Revision November 6, 2007</small>		
<b>Reg. Ent. Reference No.</b>	RN100824010			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	James Nolan			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 8, 2007. Specifically, a sample taken from the regular unleaded gasoline at pump number three was found to be 2.1% oxygen content by weight.			
<b>Base Penalty</b>			\$10,000	

**>> Environmental, Property and Human Health Matrix**

OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0%"/>

**Matrix Notes**

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events	1	2	Number of violation days
----------------------------	---	---	--------------------------

<small>mark only one with an x</small>	<div style="border: 1px solid black; padding: 2px;">daily</div> <div style="border: 1px solid black; padding: 2px;">monthly</div> <div style="border: 1px solid black; padding: 2px;">quarterly</div> <div style="border: 1px solid black; padding: 2px;">semiannual</div> <div style="border: 1px solid black; padding: 2px;">annual</div> <div style="border: 1px solid black; padding: 2px;">single event</div>	
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One single event is recommended.

**Violation Base Penalty**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input style="width: 100px;" type="text" value="\$0"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$770"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$770"/>	

**Economic Benefit Worksheet**

Respondent Southwest Convenience Stores, LLC

7 Eleven Station 57602

Case ID No. 35055

Reg. Ent. Reference No. RN100824010

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	8-Oct-2007	10-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778	Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN100824010	7 ELEVEN 57602	Classification: AVERAGE	Site Rating: 0.27
ID Number(s):	AIR NEW SOURCE PERMITS PETROLEUM STORAGE TANK REGISTRATION	ACCOUNT NUMBER REGISTRATION	EE1156E 7271	
Location:	4858 N MESA ST, EL PASO, TX, 79912		Rating Date: September 01 07 Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	December 04, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 04, 2002 to December 04, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	James Nolan	Phone:	(512) 239-6634	

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |    |            |          |
|----|------------|----------|
| 1  | 03/17/2003 | (27822)  |
| 2  | 04/24/2003 | (34401)  |
| 3  | 07/14/2003 | (140951) |
| 4  | 05/03/2004 | (267677) |
| 5  | 08/05/2004 | (288027) |
| 6  | 10/21/2004 | (338158) |
| 7  | 07/21/2005 | (399748) |
| 8  | 03/30/2006 | (455300) |
| 9  | 02/28/2007 | (541313) |
| 10 | 11/16/2007 | (600549) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |   |         |                          |
|--------------|---|---------|--------------------------|
| Date:        | 03/17/2003  | (27822) |                          |
| Self Report? | NO  |         | Classification: Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter C 115.242(3)   |         |                          |
| Description: | Failure to maintain the Stage II Vapor Recovery System in proper operating condition. |         |                          |
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**  
**DATES**

<b>Assigned</b>	19-Nov-2007	<b>Screening</b>	4-Dec-2007	<b>EPA Due</b>	
<b>PCW</b>	20-Dec-2007				

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	Southwest Convenience Stores, LLC		7 Eleven Station 57604
<b>Reg. Ent. Ref. No.</b>	RN102396702		
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b>	Minor

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	35055	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1957-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$2,000

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 60% Enhancement **Subtotals 2, 3, & 7** \$1,200

**Notes** Penalty enhancement due to three previous 1660 orders.

**Culpability** No 0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 25% Reduction **Subtotal 5** \$500

	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

**Notes** The Respondent came into compliance on October 11, 2007.

<b>Total EB Amounts</b>	\$0	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	\$0
<b>Approx. Cost of Compliance</b>	\$600	<b>*Capped at the Total EB \$ Amount</b>		

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$2,700

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**
**Final Penalty Amount** \$2,700

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$2,700

**DEFERRAL** 20% Reduction **Adjustment** -\$540

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$2,160

Screening Date 4-Dec-2007

Docket No. 2007-1957-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35055

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102396702

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Penalty enhancement due to three previous 1660 orders.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 60%

<b>Screening Date</b>	4-Dec-2007	<b>Docket No.</b>	2007-1957-AIR-E	<b>PCW</b>
<b>Respondent</b>	Southwest Convenience Stores, LLC	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	35055	PCW Revision November 6, 2007		
<b>Reg. Ent. Reference No.</b>	RN102396702			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	James Nolan			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 7, 2007. Specifically, samples taken from the mid-grade and premium gasoline at pump number three were found to be 2.2% and 1.4% oxygen content by weight, respectively.			
		<b>Base Penalty</b>	\$10,000	

**>> Environmental, Property and Human Health Matrix**

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual			x		
	Potential				<b>Percent</b>	10%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor		
					<b>Percent</b>	0%

<b>Matrix Notes</b>	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$9,000
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	\$1,000
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**Violation Events**

<b>Number of Violation Events</b>	2	4	<b>Number of violation days</b>
-----------------------------------	---	---	---------------------------------

mark only one with an x	daily			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

	<b>Violation Base Penalty</b>	\$2,000
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Two single events are recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	\$0	
	<b>Violation Final Penalty Total</b>	\$2,700
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$2,700



**Economic Benefit Worksheet**

Respondent Southwest Convenience Stores, LLC

7 Eleven Station 57604

Case ID No. 35055

Reg. Ent. Reference No. RN102396702

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	7-Oct-2007	11-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$0



# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43  
 Regulated Entity: RN102396702 7 ELEVEN 57604 Classification: AVERAGE Site Rating: 9.00  
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7291  
 REGISTRATION AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1157C  
 Location: 10418 RUSHING RD, EL PASO, TX, 79924 Rating Date: 9/1/2007 Repeat Violator: NO  
 TCEQ Region: REGION 06 - EL PASO  
 Date Compliance History Prepared: December 04, 2007  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: December 04, 2002 to December 04, 2007  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: James Nolan Phone: (512) 239-6634

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/10/2005 ADMINORDER 2004-0076-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to comply with the 30 TAC Chapter 114.100(a) Oxygenated Fuel Requirement.  
 Effective Date: 05/12/2006 ADMINORDER 2005-1670-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005.  
 Effective Date: 08/10/2007 ADMINORDER 2006-2038-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 12/09/2002 (9253)
- 2 12/12/2002 (17949)
- 3 05/16/2003 (37893)
- 4 05/18/2004 (272842)
- 5 06/25/2004 (268470)
- 6 07/13/2004 (255124)
- 7 07/15/2004 (281434)
- 8 08/12/2005 (403241)

9	08/27/2005	(407245)
10	07/06/2006	(485180)
11	11/10/2006	(518081)
12	01/11/2007	(535705)
13	07/23/2007	(563840)
14	11/12/2007	(600612)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

<b>DATES</b>	<b>Assigned</b>	19-Nov-2007	<b>Screening</b>	4-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	20-Dec-2007				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Southwest Convenience Stores, LLC	7 Eleven Station 57616
<b>Reg. Ent. Ref. No.</b>	RN102390028	
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b> Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	35055	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1957-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$3,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 0% Enhancement **Subtotals 2, 3, & 7** \$0

**Notes** No penalty enhancement due to average performer classification.

**Culpability** No 0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 25% Reduction **Subtotal 5** \$750

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

**Notes** The Respondent came into compliance on October 7, 2007.

**Total EB Amounts** \$0 **0% Enhancement\*** **Subtotal 6** \$0  
**Approx. Cost of Compliance** \$600 *\*Capped at the Total EB \$ Amount*

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$2,250

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$2,250

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$2,250

**DEFERRAL** 20% Reduction **Adjustment** -\$450

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$1,800

Screening Date 4-Dec-2007

Docket No. 2007-1957-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35055

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102390028

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No penalty enhancement due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

<b>Screening Date</b> 4-Dec-2007 <b>Respondent</b> Southwest Convenience Stores, LLC <b>Case ID No.</b> 35055 <b>Reg. Ent. Reference No.</b> RN102390028 <b>Media [Statute]</b> Air <b>Enf. Coordinator</b> James Nolan <b>Violation Number</b> 1	<b>Docket No.</b> 2007-1957-AIR-E <div style="text-align: right;"> <b>PCW</b>  <small>Policy Revision 2 (September 2002)</small>  <small>PCW Revision November 6, 2007</small> </div>																			
<b>Rule Cite(s)</b> 30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)																				
<b>Violation Description</b> Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 1, 2007. Specifically, samples taken from the regular, mid-grade, and premium gasoline at pump number four were found to be 1.7%, 1.7%, and 1.5% oxygen content by weight, respectively.																				
<b>Base Penalty</b> \$10,000																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:10%;"></th> <th style="width:20%;">Major</th> <th style="width:20%;">Moderate</th> <th style="width:20%;">Minor</th> <th style="width:30%;"></th> </tr> </thead> <tbody> <tr> <td><b>Release</b></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td style="text-align: center;">x</td> <td rowspan="2"><b>Percent</b> 10%</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Major	Moderate	Minor		<b>Release</b>					Actual			x	<b>Percent</b> 10%	Potential			
	Major	Moderate	Minor																	
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	Major	Moderate	Minor																	
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				<b>Percent</b> 0%																
Matrix Notes	<div style="border: 1px solid black; padding: 5px;">Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.</div>																			
<b>Adjustment</b> \$9,000																				
<div style="border: 1px solid black; width: 100px; float: right;">\$1,000</div>																				
<b>Violation Events</b>																				
<div style="display: flex; justify-content: space-between;"> <div> <b>Number of Violation Events</b> 3         </div> <div> <b>Number of violation days</b> 6         </div> </div>																				
mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </tbody> </table>	daily		monthly		quarterly		semiannual		annual		single event	x							
daily																				
monthly																				
quarterly																				
semiannual																				
annual																				
single event	x																			
<b>Violation Base Penalty</b> \$3,000																				
<div style="border: 1px solid black; padding: 5px; text-align: center;">Three single events are recommended.</div>																				
<b>Economic Benefit (EB) for this violation</b>																				
<div style="display: flex; justify-content: space-between;"> <div> <b>Estimated EB Amount</b> \$0         </div> <div> <b>Statutory Limit Test</b> </div> </div>																				
<div style="display: flex; justify-content: space-between;"> <div> <b>Violation Final Penalty Total</b> \$2,250         </div> <div> <b>This violation Final Assessed Penalty (adjusted for limits)</b> \$2,250         </div> </div>																				

**Economic Benefit Worksheet**

Respondent Southwest Convenience Stores, LLC

7 Eleven Station 57616

Case ID No. 35055

Reg. Ent. Reference No. RN102390028

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	1-Oct-2007	7-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778	Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102390028	7 ELEVEN 57616	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION AIR NEW SOURCE PERMITS	REGISTRATION  ACCOUNT NUMBER	7276  EE1167W	
Location:	3101 N YARBROUGH DR, EL PASO, TX, 79925		Rating Date: September 01 07 Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	December 04, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 04, 2002 to December 04, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: James Nolan Phone: (512) 239-6634

## Site Compliance History Components

- |  |            |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes        |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No         |
| 3. If Yes, who is the current owner?   | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)?  | <u>N/A</u> |
| 5. When did the change(s) in ownership occur?  | <u>N/A</u> |

## Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- |    |            |          |
|----|------------|----------|
| 1  | 03/15/2003 | (26822)  |
| 2  | 07/03/2003 | (133919) |
| 3  | 05/27/2004 | (272761) |
| 4  | 07/13/2004 | (281394) |
| 5  | 06/09/2005 | (377122) |
| 6  | 07/01/2005 | (398426) |
| 7  | 11/09/2005 | (436210) |
| 8  | 05/19/2006 | (463828) |
| 9  | 11/14/2006 | (516682) |
| 10 | 07/25/2007 | (565687) |
| 11 | 11/16/2007 | (600136) |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	19-Nov-2007	Screening	4-Dec-2007	EPA Due	
	PCW	20-Dec-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	Southwest Convenience Stores, LLC		7 Eleven Station 57618
Reg. Ent. Ref. No.	RN102395274		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	35055	No. of Violations	1
Docket No.	2007-1957-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$3,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 22% Enhancement Subtotals 2, 3, & 7 \$660

Notes

Penalty enhancement due to one nonsimilar NOV and one 1660 style agreed order.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 25% Reduction Subtotal 5 \$750

Before NOV      NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

(mark with x)

Notes

The Respondent came into compliance on October 11, 2007.

0% Enhancement\*

Subtotal 6

\$0

Total EB Amounts  
Approx. Cost of Compliance

\$0

\$600

\*Capped at the Total EB \$ Amount

### SUM OF SUBTOTALS 1-7

Final Subtotal

\$2,910

### OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$2,910

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$2,910

### DEFERRAL

20%

Reduction

Adjustment

-\$582

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

### PAYABLE PENALTY

\$2,328

Screening Date 4-Dec-2007

Docket No. 2007-1957-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35055

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102395274

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Penalty enhancement due to one nonsimilar NOV and one 1660 style agreed order.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 22%

<b>Screening Date</b> 4-Dec-2007 <b>Respondent</b> Southwest Convenience Stores, LLC <b>Case ID No.</b> 35055 <b>Reg. Ent. Reference No.</b> RN102395274 <b>Media [Statute]</b> Air <b>Enf. Coordinator</b> James Nolan <b>Violation Number</b> 1	<b>Docket No.</b> 2007-1957-AIR-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision November 6, 2007</i>
---	--

<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 7, 2007. Specifically, samples taken from the regular, mid-grade, and premium gasoline at pump number two were found to be 2.2%, 2.1%, and 2.2% oxygen content by weight, respectively.

<b>Base Penalty</b>	\$10,000
---------------------	----------

**>> Environmental, Property and Human Health Matrix**

OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual			x	
	Potential				<b>Percent</b> 10%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0%

<b>Matrix Notes</b>	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.
---------------------	---

<b>Adjustment</b>	\$9,000
-------------------	---------

	\$1,000
--	---------

**Violation Events**

Number of Violation Events	3	4	Number of violation days
----------------------------	---	---	--------------------------

<i>mark only one with an x</i>	daily				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			

<b>Violation Base Penalty</b>	\$3,000
-------------------------------	---------

Three single events are recommended.	
--------------------------------------	--

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	\$0
	<b>Violation Final Penalty Total</b> \$2,910
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$2,910	

**Economic Benefit Worksheet**

Respondent Southwest Convenience Stores, LLC  
 Case ID No. 35055  
 Reg. Ent. Reference No. RN102395274  
 Media Air  
 Violation No. 1

7 Eleven Station 57618

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	7-Oct-2007	11-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$600

TOTAL

\$0

# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43  
 Regulated Entity: RN102395274 7 ELEVEN 57618 Classification: AVERAGE Site Rating: 3.83  
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7288  
 REGISTRATION  
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1169S  
 Location: 10300 MCCOMBS ST, EL PASO, TX, 79924 Rating Date: 9/1/2007 Repeat Violator: NO  
 TCEQ Region: REGION 06 - EL PASO  
 Date Compliance History Prepared: December 04, 2007  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: December 04, 2002 to December 04, 2007  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: James Nolan Phone: (512) 239-6634

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/10/2007 ADMINORDER 2006-2038-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 12/12/2002 (17925)  
 2 05/19/2003 (40901)  
 3 04/20/2004 (269537)  
 4 07/15/2004 (281437)  
 5 07/20/2005 (400230)  
 6 11/29/2005 (438639)  
 7 11/10/2006 (518605)  
 8 01/11/2007 (535711)  
 9 03/27/2007 (540200)  
 10 07/06/2007 (565658)  
 11 11/12/2007 (600584)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/19/2004 (269537)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)  
 Description: The Stage II records pertaining to the Healy Monitor were showing several failures on the Daily Printouts. There were no records of maintenance being performed on the Healy System when the daily printout showed a failure.

- F. Environmental audits.

N/A

- G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>DATES</b>	<b>Assigned</b>	19-Nov-2007	<b>Screening</b>	4-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	20-Dec-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Southwest Convenience Stores, LLC		7 Eleven Station 57620
<b>Reg. Ent. Ref. No.</b>	RN102394756		
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35055	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1957-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$1,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 60% Enhancement **Subtotals 2, 3, & 7** \$600

**Notes** Penalty enhancement due to three previous 1660 style orders.

**Culpability** No 0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction **Subtotal 5** \$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria.

**Total EB Amounts** \$14 **0% Enhancement\*** **Subtotal 6** \$0  
**Approx. Cost of Compliance** \$600 *\*Capped at the Total EB \$ Amount*

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$1,600

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$1,600

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$1,600

**DEFERRAL** 20% Reduction **Adjustment** -\$320

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$1,280



Screening Date 4-Dec-2007

Docket No. 2007-1957-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35055

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102394756

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Penalty enhancement due to three previous 1660 style orders.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 60%



<b>Screening Date</b> 4-Dec-2007		<b>Docket No.</b> 2007-1957-AIR-E		<b>PCW</b>	
<b>Respondent</b> Southwest Convenience Stores, LLC		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 35055		<i>PCW Revision November 6, 2007</i>			
<b>Reg. Ent. Reference No.</b> RN102394756					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> James Nolan					
<b>Violation Number</b> 1					
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>		Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 7, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number two was found to be 2.0% oxygen content by weight.			
		<b>Base Penalty</b>		\$10,000	

**>> Environmental, Property and Human Health Matrix**

OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual			x	
	Potential				<b>Percent</b> 10%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0%

<b>Matrix Notes</b>	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$9,000
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\$1,000

**Violation Events**

Number of Violation Events	1	Number of violation days	59
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<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

<b>Violation Base Penalty</b>	\$1,000
-------------------------------	---------

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	\$14
	<b>Violation Final Penalty Total</b> \$1,600
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,600	

**Economic Benefit Worksheet**

Respondent Southwest Convenience Stores, LLC

7 Eleven Station 57620

Case ID No. 35055

Reg. Ent. Reference No. RN102394756

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	7-Oct-2007	31-Mar-2008	0.5	\$14	n/a	\$14
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the last day of the control period of oxygenated fuel requirements.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$14

# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43  
 Regulated Entity: RN102394756 7 ELEVEN 57620 Classification: AVERAGE Site Rating: 11.25  
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7287  
 REGISTRATION  
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE11711  
 Location: 9635 MCCOMBS ST, EL PASO, TX, 79924 Rating Date: September 01 07 Repeat Violator: NO  
 TCEQ Region: REGION 06 - EL PASO  
 Date Compliance History Prepared: December 04, 2007  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: December 04, 2002 to December 04, 2007  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: James Nolan Phone: (512) 239-6634

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/12/2006 ADMINORDER 2005-1670-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005.  
 Effective Date: 07/13/2007 ADMINORDER 2006-1261-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to comply with Reid Vapor Pressure (RVP) Fuel Requirements.  
 Effective Date: 08/10/2007 ADMINORDER 2006-2038-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 12/12/2002 (17941)  
 2 05/31/2003 (61462)  
 3 07/15/2004 (281438)  
 4 12/21/2004 (339858)  
 5 08/12/2005 (403021)  
 6 08/27/2005 (407384)  
 7 07/14/2006 (486221)  
 8 11/01/2006 (518057)

9	01/11/2007	(535714)
10	07/05/2007	(564933)
11	11/12/2007	(600623)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**  
**DATES**

Assigned	19-Nov-2007	
PCW	20-Dec-2007	Screening 4-Dec-2007 EPA Due

**RESPONDENT/FACILITY INFORMATION**

Respondent	Southwest Convenience Stores, LLC	7 Eleven Station 57621
Reg. Ent. Ref. No.	RN102398112	
Facility/Site Region	6-El Paso	Major/Minor Source Minor

**CASE INFORMATION**

Enf./Case ID No.	35055	No. of Violations	1
Docket No.	2007-1957-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,000</b>
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**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes	No penalty enhancement due to average performer classification.
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<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes	The Respondent does not meet the good faith criteria.
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<b>Total EB Amounts</b>	<b>\$14</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
<b>Approx. Cost of Compliance</b>	<b>\$600</b>	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,000</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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<b>Final Penalty Amount</b>	<b>\$1,000</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$1,000</b>
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<b>DEFERRAL</b>	20%	Reduction	<b>Adjustment</b>	<b>-\$200</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	<b>\$800</b>
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Screening Date 4-Dec-2007

Docket No. 2007-1957-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35055

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102398112

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

No penalty enhancement due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

<b>Screening Date</b> 4-Dec-2007		<b>Docket No.</b> 2007-1957-AIR-E		<b>PCW</b>	
<b>Respondent</b> Southwest Convenience Stores, LLC		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 35055		<i>PCW Revision November 6, 2007</i>			
<b>Reg. Ent. Reference No.</b> RN102398112					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> James Nolan					
<b>Violation Number</b> 1					
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>		Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 11, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number one was found to be 2.2% oxygen content by weight.			
		<b>Base Penalty</b>		\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual			x	
	Potential				<b>Percent</b> 10%
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0%
<b>Matrix Notes</b>		Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		<b>Adjustment</b>		\$9,000	
				\$1,000	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		1		<b>Number of violation days</b> 55	
<i>mark only one with an x</i>	daily				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
		<b>Violation Base Penalty</b> \$1,000			
One single event is recommended.					
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$14		<b>Violation Final Penalty Total</b> \$1,000	
				<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,000	



**Economic Benefit Worksheet**

Respondent Southwest Convenience Stores, LLC

7 Eleven Station 57621

Case ID No. 35055

Reg. Ent. Reference No. RN102398112

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	11-Oct-2007	31-Mar-2008	0.5	\$14	n/a	\$14
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the last day of the control period of oxygenated fuel requirements.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$14



# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43  
 Regulated Entity: RN102398112 7 ELEVEN 57621 Classification: HIGH Site Rating: 0.00

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7295  
 REGISTRATION  
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1172G  
 Location: 5401 S GATEWAY BLVD, EL PASO, TX, 79904 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO  
 Date Compliance History Prepared: December 04, 2007  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: December 04, 2002 to December 04, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: James Nolan Phone: (512) 239-6634

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 01/09/2003 (16404)
- 2 05/19/2003 (44763)
- 3 06/30/2003 (126858)
- 4 12/22/2003 (257563)
- 5 01/14/2004 (256485)
- 6 06/30/2004 (268472)
- 7 07/15/2004 (281848)
- 8 07/06/2006 (485269)
- 9 07/05/2007 (564921)
- 10 11/12/2007 (600731)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES

Assigned

19-Nov-2007

PCW

20-Dec-2007

Screening

4-Dec-2007

EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent Southwest Convenience Stores, LLC

7 Eleven Station 57625

Reg. Ent. Ref. No. RN102399094

Facility/Site Region 6-El Paso

Major/Minor Source Minor

## CASE INFORMATION

Enf./Case ID No. 35055

Docket No. 2007-1957-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 1

Order Type 1660

Enf. Coordinator James Nolan

EC's Team Enforcement Team 4

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1

\$1,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

60% Enhancement

Subtotals 2, 3, &amp; 7

\$600

Notes

Penalty enhancement due to three previous 1660 style orders.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

25% Reduction

Subtotal 5

\$250

Before NOV

NOV to EDP RP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent came into compliance on October 12, 2007.

0% Enhancement\*

Subtotal 6

\$0

Total EB Amounts \$1

Approx. Cost of Compliance \$600

\*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$1,350

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$1,350

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$1,350

DEFERRAL

20%

Reduction

Adjustment

-\$270

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$1,080

Screening Date 4-Dec-2007

Docket No. 2007-1957-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35055

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102399094

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Penalty enhancement due to three previous 1660 style orders.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 60%

<b>Screening Date</b>	4-Dec-2007	<b>Docket No.</b>	2007-1957-AIR-E	<b>PCW</b>
<b>Respondent</b>	Southwest Convenience Stores, LLC	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	35055	PCW Revision November 6, 2007		
<b>Reg. Ent. Reference No.</b>	RN102399094			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	James Nolan			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 4, 2007. Specifically, a sample taken from the regular unleaded gasoline at pump number three was found to be 2.1% oxygen content by weight.			
<b>Base Penalty</b>				\$10,000

**>> Environmental, Property and Human Health Matrix**

		<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
<b>OR</b>	Actual			x	
	Potential				
				<b>Percent</b>	10%

**>> Programmatic Matrix**

		<b>Falsification</b>			
		<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
				<b>Percent</b>	0%

**Matrix Notes**

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events	1		8	Number of violation days
----------------------------	---	--	---	--------------------------

		<b>daily</b>			
mark only one with an x					
	<b>single event</b>	x			

One single event is recommended.

**Violation Base Penalty** \$1,000

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <span style="border: 1px solid black; padding: 0 20px;">\$1</span>	Violation Final Penalty Total <span style="border: 1px solid black; padding: 0 20px;">\$1,350</span>
This violation Final Assessed Penalty (adjusted for limits) <span style="border: 1px solid black; padding: 0 20px;">\$1,350</span>	

**Economic Benefit Worksheet**

Respondent Southwest Convenience Stores, LLC  
 Case ID No. 35055  
 Reg. Ent. Reference No. RN102399094  
 Media Air  
 Violation No. 1

7 Eleven Station 57625

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	4-Oct-2007	12-Oct-2007	0.0	\$1	n/a	\$1
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$1

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778	Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102399094	7 ELEVEN 57625	Classification: AVERAGE	Site Rating: 9.44
ID Number(s):	PETROLEUM STORAGE TANK	REGISTRATION	7298	
	REGISTRATION			
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	EE1174C	
Location:	8701 ALAMEDA AVE, EL PASO, TX, 79907		Rating Date: September 01 07 Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	December 04, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 04, 2002 to December 04, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	James Nolan	Phone:	(512) 239-6634	

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

## Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/08/2005	ADMINORDER 2004-0033-AIR-E
Classification: Moderate	
Citation: 30 TAC Chapter 115, SubChapter C 115.252(2) 5C THC Chapter 382, SubChapter A 382.085(b)	
Description: Failure to comply with the 7.0 psia. maximum Reid Vapor Pressure (RVP) requirement.	
Effective Date: 05/12/2006	ADMINORDER 2005-1670-AIR-E
Classification: Moderate	
Citation: 30 TAC Chapter 115, SubChapter C 115.252(2) 5C THC Chapter 382, SubChapter D 382.085(b)	
Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005.	
Effective Date: 07/13/2007	ADMINORDER 2006-1261-AIR-E
Classification: Major	
Citation: 30 TAC Chapter 115, SubChapter C 115.252(2) 5C THC Chapter 382, SubChapter D 382.085(b)	
Description: Entity failed to comply with 30 TAC , Chapter 115.252 (2), Reid Vapor Pressure Fuel requirement.	

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- |   |            |          |
|---|------------|----------|
| 1 | 03/22/2003 | (19586)  |
| 2 | 06/11/2003 | (60677)  |
| 3 | 08/25/2003 | (151837) |
| 4 | 09/17/2003 | (145557) |
| 5 | 11/30/2003 | (255963) |
| 6 | 12/30/2003 | (256838) |
| 7 | 07/13/2004 | (280167) |
| 8 | 12/21/2004 | (339859) |

9	06/20/2005	(380889)
10	08/16/2005	(405083)
11	08/27/2005	(407398)
12	11/11/2005	(436035)
13	08/07/2006	(490093)
14	11/13/2006	(519392)
15	11/12/2007	(599997)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>DATES</b>	<b>Assigned</b>	12-Nov-2007	<b>Screening</b>	4-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	20-Dec-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Southwest Convenience Stores, LLC		7 Eleven Station 57631
<b>Reg. Ent. Ref. No.</b>	RN102393980		
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35055	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1957-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment due to average performer classification.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>	\$250
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Before NOV      NOV to EDP RP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes: The Respondent came into compliance on October 10, 2007.

<b>Total EB Amounts</b>	\$0	0% Enhancement*	<b>Subtotal 6</b>	\$0
<b>Approx. Cost of Compliance</b>	\$600	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$750
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$750
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	-\$150
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$600
------------------------	-------

Screening Date 4-Dec-2007

Docket No. 2007-1957-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35055

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102393980

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%



**Economic Benefit Worksheet**

Respondent Southwest Convenience Stores, LLC  
 Case ID No. 35055  
 Reg. Ent. Reference No. RN102393980  
 Media Air  
 Violation No. 1

7 Eleven Station 57631

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	4-Oct-2007	10-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$600

TOTAL

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778	Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102393980	7 ELEVEN 57631	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION AIR NEW SOURCE PERMITS	REGISTRATION  ACCOUNT NUMBER	7285  EE1178R	
Location:	9061 DYER ST, EL PASO, TX, 79904		Rating Date: September 01 07 Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	December 04, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 04, 2002 to December 04, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	James Nolan	Phone:	(512) 239-6634	

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |    |            |          |
|----|------------|----------|
| 1  | 07/22/2003 | (144745) |
| 2  | 04/08/2004 | (268707) |
| 3  | 07/23/2004 | (282703) |
| 4  | 06/21/2005 | (377120) |
| 5  | 06/24/2005 | (397429) |
| 6  | 05/04/2006 | (464459) |
| 7  | 06/20/2006 | (483186) |
| 8  | 07/13/2006 | (485584) |
| 9  | 11/16/2006 | (519512) |
| 10 | 11/08/2007 | (600223) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A

Sites Outside of Texas

N/A





Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	19-Nov-2007	Screening	4-Dec-2007	EPA Due	
	PCW	20-Dec-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Southwest Convenience Stores, LLC		7 Eleven Station 57637
Reg. Ent. Ref. No.	RN102391331		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35055	No. of Violations	1
Docket No.	2007-1957-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum \$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	Subtotal 1	\$1,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	40% Enhancement	Subtotals 2, 3, & 7	\$400
--------------------	-----------------	---------------------	-------

Notes: Penalty enhancement due to two previous 1660 style orders.

Culpability	No	0% Enhancement	Subtotal 4	\$0
-------------	----	----------------	------------	-----

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

	0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$14	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$600		

<b>SUM OF SUBTOTALS 1-7</b>	Final Subtotal	\$1,400
-----------------------------	----------------	---------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	Adjustment	\$0
---	----	------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,400
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<b>STATUTORY LIMIT ADJUSTMENT</b>	Final Assessed Penalty	\$1,400
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<b>DEFERRAL</b>	20% Reduction	Adjustment	-\$280
-----------------	---------------	------------	--------

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$1,120
------------------------	---------



Screening Date 4-Dec-2007

Docket No. 2007-1957-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35055

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102391331

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Penalty enhancement due to two previous 1660 style orders.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 40%



<b>Screening Date</b> 4-Dec-2007	<b>Docket No.</b> 2007-1957-AIR-E	<b>PCW</b>
<b>Respondent</b> Southwest Convenience Stores, LLC	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35055	<small>PCW Revision November 6, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN102391331		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> James Nolan		
<b>Violation Number</b> 1		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 8, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number one was found to be 2.2% oxygen content by weight.	
<b>Base Penalty</b>		\$10,000

**>> Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>					
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
	<b>Actual</b>			x		
	<b>Potential</b>				<b>Percent</b>	10%

**>> Programmatic Matrix**

<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
				<b>Percent</b>
				0%

**Matrix Notes**  
 Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events	1	58	Number of violation days
----------------------------	---	----	--------------------------

<small>mark only one with an x</small>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$14	<b>Violation Final Penalty Total</b> \$1,400
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,400	

**Economic Benefit Worksheet****Respondent** Southwest Convenience Stores, LLC

7 Eleven Station 57637

**Case ID No.** 35055**Reg. Ent. Reference No.** RN102391331**Media Air****Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	8-Oct-2007	31-Mar-2008	0.5	\$14	n/a	\$14
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the last day of the control period of oxygenated fuel requirements.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$600

**TOTAL**

\$14

# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43  
 Regulated Entity: RN102391331 7 ELEVEN 57637 Classification: AVERAGE Site Rating: 9.62  
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7279  
 REGISTRATION  
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1182D  
 Location: 3601 MONTANA AVE, EL PASO, TX, 79903 Rating Date: September 01 07 Repeat Violator: NO  
 TCEQ Region: REGION 06 - EL PASO  
 Date Compliance History Prepared: December 04, 2007  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: December 04, 2002 to December 04, 2007  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: James Nolan Phone: (512) 239-6634

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/12/2006 ADMINORDER 2005-1670-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005.  
 Effective Date: 07/13/2007 ADMINORDER 2006-1261-AIR-E  
 Classification: Major  
 Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to comply with 30 TAC 115.252(2) RVP Fuel Requirements.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 12/20/2002 (20110)
- 2 04/04/2003 (28754)
- 3 07/03/2003 (33616)
- 4 08/27/2003 (152521)
- 5 06/17/2004 (268504)
- 6 08/02/2004 (282669)
- 7 11/23/2004 (342085)
- 8 08/12/2005 (401229)
- 9 08/27/2005 (407359)
- 10 07/28/2006 (486814)
- 11 11/12/2007 (600603)

- E. Written notices of violations (NOV): (CCEDS Inv. Track. No.)

- F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

<b>DATES</b>	<b>Assigned</b>	19-Nov-2007	<b>Screening</b>	4-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	20-Dec-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Southwest Convenience Stores, LLC	<b>7 Eleven Station 57646</b>	
<b>Reg. Ent. Ref. No.</b>	RN102204195		
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35055	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1957-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No penalty enhancement due to average performer classification.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>	\$250
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Before NOV    NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes: The Respondent came into compliance on October 7, 2007.

<b>Total EB Amounts</b>	\$0	0% Enhancement*	<b>Subtotal 6</b>	\$0
<b>Approx. Cost of Compliance</b>	\$600	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	\$0
---	----	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$750

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$750
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	-\$150
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$600
------------------------	-------

Screening Date 4-Dec-2007

Docket No. 2007-1957-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35055

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102204195

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No penalty enhancement due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

<b>Screening Date</b> 4-Dec-2007		<b>Docket No.</b> 2007-1957-AIR-E		<b>PCW</b>																	
<b>Respondent</b> Southwest Convenience Stores, LLC				Policy Revision 2 (September 2002)																	
<b>Case ID No.</b> 35055				PCW Revision November 6, 2007																	
<b>Reg. Ent. Reference No.</b> RN102204195																					
<b>Media [Statute]</b> Air																					
<b>Enf. Coordinator</b> James Nolan																					
<b>Violation Number</b>		<input type="text" value="1"/>																			
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)																			
<b>Violation Description</b>		Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 2, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number seven was found to be 1.2% oxygen content by weight.																			
<b>Base Penalty</b>					<input type="text" value="\$10,000"/>																
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																					
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td><b>Release</b></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input checked="" type="text" value="x"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>						Harm			<b>Release</b>	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Harm																			
	<b>Release</b>	Major	Moderate	Minor																	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>																	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>																		
					<b>Percent</b> <input type="text" value="10%"/>																
<b>&gt;&gt; Programmatic Matrix</b>																					
<table border="1" style="margin: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>						Falsification	Major	Moderate	Minor		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>						
	Falsification	Major	Moderate	Minor																	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																	
<b>Matrix Notes</b>		Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.																			
<b>Adjustment</b>					<input type="text" value="\$9,000"/>																
					<input type="text" value="\$1,000"/>																
<b>Violation Events</b>																					
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b> <input type="text" value="5"/>																		
mark only one with an x	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>																		
	monthly	<input type="text"/>																			
	quarterly	<input type="text"/>																			
	semiannual	<input type="text"/>																			
	annual	<input type="text"/>																			
	single event	<input checked="" type="text" value="x"/>																			
One single event is recommended.																					
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>																		
<b>Estimated EB Amount</b> <input type="text" value="\$0"/>			<b>Violation Final Penalty Total</b> <input type="text" value="\$750"/>																		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<input type="text" value="\$750"/>																



**Economic Benefit Worksheet**

Respondent Southwest Convenience Stores, LLC

7 Eleven Station 57646

Case ID No. 35055

Reg. Ent. Reference No. RN102204195

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	2-Oct-2007	7-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$0



# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43  
Regulated Entity: RN102204195 7 ELEVEN 57646 Classification: HIGH Site Rating: 0.00

ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1743G  
PETROLEUM STORAGE TANK REGISTRATION 66840  
REGISTRATION

Location: 8160 GATEWAY BLVD E, EL PASO, TX, 79907 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: December 04, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 04, 2002 to December 04, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: James Nolan Phone: (512) 239-6634

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	12/30/2002	(19615)
2	09/06/2003	(149950)
3	07/15/2004	(270986)
4	08/11/2004	(286384)
5	12/02/2004	(342717)
6	07/20/2005	(400341)
7	07/25/2005	(381170)
8	06/15/2006	(471863)
9	07/06/2006	(484132)
10	11/12/2007	(599993)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

- F. Environmental audits.

N/A

- G. Type of environmental management systems (EMSs).

N/A

- H. Voluntary on-site compliance assessment dates.

N/A

- I. Participation in a voluntary pollution reduction program.

N/A

- J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>DATES</b>	<b>Assigned</b>	19-Nov-2007	<b>Screening</b>	4-Dec-2007	<b>EPA Due</b>	
	<b>PCW</b>	20-Dec-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Southwest Convenience Stores, LLC		7 Eleven Station 57649
<b>Reg. Ent. Ref. No.</b>	RN102383965		
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35055	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1957-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	James Nolan
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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**Notes** No penalty enhancement due to average performer classification.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria.

<b>Total EB Amounts</b>	\$14	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	\$0
<b>Approx. Cost of Compliance</b>	\$600	<i>*Capped at the Total EB \$ Amount</i>		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$1,000
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,000
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<b>DEFERRAL</b>	20%	Reduction	<b>Adjustment</b>	-\$200
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$800
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Screening Date 4-Dec-2007

Docket No. 2007-1957-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35055

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102383965

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No penalty enhancement due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

<b>Screening Date</b> 4-Dec-2007		<b>Docket No.</b> 2007-1957-AIR-E		<b>PCW</b>	
<b>Respondent</b> Southwest Convenience Stores, LLC		<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 35055		<small>PCW Revision November 6, 2007</small>			
<b>Reg. Ent. Reference No.</b> RN102383965					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> James Nolan					
<b>Violation Number</b> 1					
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>		Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 7, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number nine was found to be 2.1% oxygen content by weight.			
		<b>Base Penalty</b>		\$10,000	

**>> Environmental, Property and Human Health Matrix**

OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual			x	
	Potential				<b>Percent</b> 10%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0%

<b>Matrix Notes</b>	Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events	1	59	Number of violation days
----------------------------	---	----	--------------------------

<small>mark only one with an x</small>	daily			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
Estimated EB Amount	\$14	Violation Final Penalty Total	\$1,000
This violation Final Assessed Penalty (adjusted for limits)			\$1,000

**Economic Benefit Worksheet**

Respondent Southwest Convenience Stores, LLC

7 Eleven Station 57649

Case ID No. 35055

Reg. Ent. Reference No. RN102383965

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	7-Oct-2007	31-Mar-2008	0.5	\$14	n/a	\$14
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the last day of the control period of oxygenated fuel requirements.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$600

TOTAL

\$14

# Compliance History

Customer/Respondent/Owner-Operator:	CN601563778	Southwest Convenience Stores, LLC	Classification: AVERAGE	Rating: 3.43
Regulated Entity:	RN102383965	7 ELEVEN 57649	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION AIR NEW SOURCE PERMITS	REGISTRATION ACCOUNT NUMBER	70612 EE2057A	
Location:	850 N ZARAGOZA RD, EL PASO, TX, 79907		Rating Date: September 01 07 Repeat Violator: NO	
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	December 04, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 04, 2002 to December 04, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	James Nolan	Phone:	(512) 239-6634	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 

1	05/12/2003	(36594)
2	12/17/2003	(256588)
3	02/23/2004	(259103)
4	04/22/2004	(267487)
5	07/30/2004	(282775)
6	10/27/2004	(338109)
7	11/04/2004	(340200)
8	07/20/2005	(397553)
9	11/14/2006	(519112)
10	11/12/2007	(600468)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A

Sites Outside of Texas

N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**  
**DATES**

Assigned	12-Nov-2007			
PCW	20-Dec-2007	Screening	4-Dec-2007	EPA Due

**RESPONDENT/FACILITY INFORMATION**

Respondent	Southwest Convenience Stores, LLC	7 Eleven Station 57652
Reg. Ent. Ref. No.	RN105204283	
Facility/Site Region	6-El Paso	Major/Minor Source
		Minor

**CASE INFORMATION**

Enf./Case ID No.	35055	No. of Violations	1
Docket No.	2007-1957-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$1,000

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 0% Enhancement **Subtotals 2, 3, & 7** \$0

Notes No adjustment due to average performer classification.

**Culpability** No 0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 25% Reduction **Subtotal 5** \$250

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent came into compliance on October 7, 2007.

 Total EB Amounts \$0 0% Enhancement\* **Subtotal 6** \$0  
 Approx. Cost of Compliance \$600 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$750

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$750

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$750

**DEFERRAL** 20% Reduction **Adjustment** -\$150

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$600

Screening Date 4-Dec-2007

Docket No. 2007-1957-AIR-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 2 (September 2002)

Case ID No. 35055

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN105204283

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

<b>Screening Date</b>	4-Dec-2007	<b>Docket No.</b>	2007-1957-AIR-E	<b>PCW</b>
<b>Respondent</b>	Southwest Convenience Stores, LLC	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	35055	PCW Revision November 6, 2007		
<b>Reg. Ent. Reference No.</b>	RN105204283			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	James Nolan			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, as documented by an investigation conducted on October 2, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number three was found to be 1.8% oxygen content by weight.			
<b>Base Penalty</b>				\$10,000

**>> Environmental, Property and Human Health Matrix**

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual			x		
	Potential				Percent	10%

**>> Programmatic Matrix**

	Harm			
Falsification	Major	Moderate	Minor	
				Percent
				0%

**Matrix Notes**

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events	1	5	Number of violation days
----------------------------	---	---	--------------------------

mark only one with an x	daily		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	\$0
	<b>Violation Final Penalty Total</b>
	\$750
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$750	

**Economic Benefit Worksheet**

Respondent Southwest Convenience Stores, LLC

7 Eleven Station 57652

Case ID No. 35055

Reg. Ent. Reference No. RN105204283

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	2-Oct-2007	7-Oct-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure the required oxygenated fuel content is maintained. Date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$0

# Compliance History

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43  
 Regulated Entity: RN105204283 7-ELEVEN 57652 Classification: HIGH Site Rating: 0.00

ID Number(s): AIR QUALITY NON PERMITTED ACCOUNT NUMBER 0000  
 PETROLEUM STORAGE TANK REGISTRATION 74888  
 PETROLEUM STORAGE TANK REGISTRATION 78444

Location: 5020 SEAN HAGGERTY DR, EL PASO, TX, 79924 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: December 04, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 04, 2002 to December 04, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: James Nolan Phone: (512) 239-6634

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 07/05/2007 (565265)
- 2 10/23/2007 (594137)
- 3 11/08/2007 (600247)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SOUTHWEST CONVENIENCE  
STORES, LLC  
RN102048592; RN100824010;  
RN102396702; RN102390028;  
RN102395274; RN102394756;  
RN102398112; RN102399094;  
RN102393980; RN102391331;  
RN102204195; RN102383965;  
RN105204283

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-1957-AIR-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Southwest Convenience Stores, LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, appear before the Commission and together stipulate that:

1. The Respondent owns and operates thirteen 7-Eleven convenience stores with retail gasoline sales at the following locations in El Paso, El Paso County, Texas (the "Stations"):
  - a. 10900 McCombs Street (7-Eleven 53346);
  - b. 4858 North Mesa Street (7-Eleven 57602);
  - c. 10418 Rushing Road (7-Eleven 57604);
  - d. 3101 North Yarbrough Drive (7-Eleven 57616);
  - e. 10300 McCombs Street (7-Eleven 57618);





- f. 9635 McCombs Street (7-Eleven 57620);
  - g. 5401 South Gateway Boulevard (7-Eleven 57621);
  - h. 8701 Alameda Avenue (7-Eleven 57625);
  - i. 9061 Dyer Street (7-Eleven 57631);
  - j. 3601 Montana Avenue (7-Eleven 57637);
  - k. 8160 Gateway Boulevard East (7-Eleven 57646);
  - l. 850 North Zaragoza Road (7-Eleven 57649); and
  - m. 5020 Sean Haggerty Drive (7-Eleven 57652).
2. The Stations consist of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
  3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
  4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 14, 2007, November 18, 2007, November 21, 2007, and November 24, 2007.
  5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
  6. An administrative penalty in the amount of Twenty Thousand Two Hundred Thirty Dollars (\$20,230) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Sixteen Thousand One Hundred Eighty-Four Dollars (\$16,184) of the administrative penalty and Four Thousand Forty-Six Dollars (\$4,046) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
  7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director recognizes that by October 12, 2007, the Respondent has come into compliance at Station numbers 57602, 57604, 57616, 57618, 57625, 57631, 57646, and 57652.
  10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the



Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Stations, the Respondent is alleged to have:

1. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 7, 2007. Specifically, a sample taken from the regular and mid-grade unleaded gasoline at pump number one of 7-Eleven 53346 was found to be 2.1% and 1.9% oxygen content by weight, respectively. A sample taken of premium grade gasoline from pump number two of 7-Eleven 53346 was found to be 1.5% oxygen content by weight.
2. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 8, 2007. Specifically, a sample taken from the regular unleaded gasoline at pump number three of 7-Eleven 57602 was found to be 2.1% oxygen content by weight.
3. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 7, 2007. Specifically, samples taken from the mid-grade and premium gasoline at pump number three of 7-Eleven 57604 were found to be 2.2% and 1.4% oxygen content by weight, respectively.
4. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 1, 2007. Specifically, samples taken from the regular, mid-grade, and premium gasoline at pump number four of 7-Eleven 57616 were found to be 1.7%, 1.7%, and 1.5% oxygen content by weight, respectively.
5. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 7, 2007. Specifically, samples taken from the regular, mid-grade, and premium gasoline at pump number two of 7-Eleven 57618 were found to be 2.2%, 2.1%, and 2.2% oxygen content by weight, respectively.

the first of these is the fact that the first of the two  
books is a history of the city of Chicago, and the second  
is a history of the state of Illinois.

The first of these books is a history of the city of Chicago,  
and the second is a history of the state of Illinois.

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and the second is a history of the state of Illinois.  
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and the second is a history of the state of Illinois.

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and the second is a history of the state of Illinois.

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and the second is a history of the state of Illinois.  
The first of these books is a history of the city of Chicago,  
and the second is a history of the state of Illinois.

6. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 7, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number two of 7-Eleven 57620 was found to be 2.0% oxygen content by weight.
7. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 11, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number one of 7-Eleven 57621 was found to be 2.2% oxygen content by weight.
8. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 4, 2007. Specifically, a sample taken from the regular unleaded gasoline at pump number three of 7-Eleven 57625 was found to be 2.1% oxygen content by weight.
9. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 4, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number one of 7-Eleven 57631 was found to be 2.2% oxygen content by weight.
10. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 8, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number one of 7-Eleven 57637 was found to be 2.2% oxygen content by weight.
11. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 2, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number seven of 7-Eleven 57646 was found to be 1.2% oxygen content by weight.
12. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 7, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number nine of 7-Eleven 57649 was found to be 2.1% oxygen content by weight.
13. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 2, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number three of 7-Eleven 57652 was found to be 1.8% oxygen content by weight.



### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Southwest Convenience Stores, LLC, Docket No. 2007-1957-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure that gasoline supplied, sold, or dispensed for use as motor vehicle fuel in El Paso County between October 1 and March 31 of each year shall have the minimum oxygen content of 2.7% by weight at Stations 53346, 57620, 57621, 57637, and 57649; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."





The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
El Paso Regional Office  
Texas Commission on Environmental Quality  
401 East Franklin Avenue, Suite 560  
El Paso, Texas 79901-1206

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Stations operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

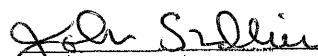


Southwest Convenience Stores, LLC  
DOCKET NO. 2007-1957-AIR-E  
Page 7

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

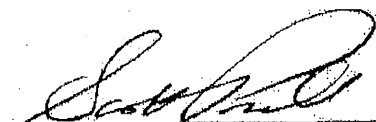
7/2/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

3-4-08  
Date

Scott Prall  
Name (Printed or typed)  
Authorized Representative of  
Southwest Convenience Stores, LLC

DIRECTOR OF FUEL & TRANSPORTATION  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

